

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6349 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

YOGESHKUMAR KHEMCHANDBHAI SHAH

Versus

COLLECTOR

Appearance:

MR RV DESAI for Petitioner

GOVERNMENT PLEADER for Respondent No. 1

CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 09/07/98

ORAL JUDGEMENT

#. Rule. The Asstt. Govt. Pleader waives service of rule. Mr.Yogeshkumar Khemchandbhai Shah has filed the present petition seeking direction against the respondent to recover the amount payable to the petitioner as per the order passed by the competent authority under the Payment of Wages Act. It is claim of the petitioner thad he had filed Misc. Civil Application No : 113 of 1995 in order to get the amount under the

Payment of Wages Act and ultimately an order has been passed on 26th April, 1995 by which he is to get the amount of Rs. 63,766/-. It is his further claim that after obtaining necessary certificate for recovery, he approached the respondent in order to get the recovery of the said amount payable to him but no action is taken by the respondent and hence he has come before this court. The respondent has not filed any affidavit-in-reply to explain its inaction in the matter. Thus, there is no material on record to hold that there are some grounds for not making the recovery. Therefore, in the circumstances, I hereby direct the respondent - Collector of Ahmedabad to recover the amount as per the certificate issued in favour of the petitioner within 3 months from today. Rule is made absolute. This present petition accordingly disposed of with no order as to cost.

Date : 9-7-1998 (S.D. Pandit, J.)

(KPP)